

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

SCOTT ALLEN SMITH,  
Petitioner,  
v.  
TRACY W. JOHNS,  
Respondent.

**Judgment in a Civil Case**

Case Number: 5:11-HC-2231-D

**Decision by Court.**

This action came before the Honorable James C. Dever III, Chief United States District Judge, for an initial review under 28 U.S.C. § 2243.

**IT IS ORDERED AND ADJUDGED** that this action is hereby dismissed for failure to state a claim.

This Judgment Filed and Entered on July 26, 2012, with service on:

Scott Allen Smith 22417-050, Federal Correctional Institution, P.O. Box 1000, Butner, NC 27509 (via U.S. Mail)

July 26, 2012

/s/ Julie A. Richards

Clerk